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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

ERIC JULIUS IVEY,

Defendant and Appellant.

B268899

(Los Angeles County
Super. Ct. No. MA066021)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Christopher Estes, Judge. Affirmed

Rachel Varnell, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In August 2015 Eric Julius Ivey pled no contest to one count of attempted first degree residential robbery (Pen. Code, §§ 664/211), and was later sentenced to 18 months in state prison. In exchange, the prosecution dismissed seven other counts: one for burglary (Pen. Code, § 459); three for assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1)); two for making criminal threats (Pen. Code, § 422); and one for misdemeanor vandalism (Pen. Code, § 594, subd. (a)).¹ The information also alleged that Ivey had been armed with a shotgun and personally used a knife during the robbery, burglary, and two of the assaults. (§ 12022, subds. (a)(1), (b)(1).)

All eight counts stemmed from three separate incidents where Ivey went to the home of his former girlfriend and broke in or tried to break in, confronting her and two other men who were staying with her.² During the first incident, Ivey was accompanied by an unidentified accomplice.

A few days after Ivey was arraigned, his appointed lawyer declared a doubt as to Ivey's competency, and the court arranged for a psychiatric examination of Ivey. (§ 1368.) The court-appointed psychiatrist reported that although Ivey suffered from prolonged methamphetamine use, he seemed rational, understood the nature of the charges and the proceedings against him, and was otherwise competent to stand trial. The trial court found that Ivey was competent to stand trial and the proceedings resumed.

The trial court also granted Ivey's motion to represent himself at trial after advising Ivey of the rights he was giving up and the risks he was assuming. At the start of Ivey's preliminary hearing he accepted the

¹ All further section references are to the Penal Code.

² Because Ivey pled before his preliminary hearing, these facts come from the probation report.

prosecution's plea offer after the trial court fully advised him of the rights he was giving up and the consequences of his plea.

Ivey filed a notice of appeal. On June 7, 2016, his appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) in which no issues were raised. The brief included a declaration from counsel that she had reviewed the record and had sent Ivey a letter advising him that such a brief would be filed and that he could file a supplemental brief if he chose to. That same day, this court sent Ivey a letter advising him that a *Wende* brief had been filed and that he had 30 days to submit a brief raising any issues he wanted us to consider. Ivey did not file a supplemental brief.

We have examined the entire record and are satisfied that Ivey's attorney has fully complied with her responsibilities and that no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259; *Wende, supra*, 25 Cal.3d 436; *People v. Kelly* (2006) 40 Cal.4th 106, 120-121.)

DISPOSITION

The judgment is affirmed.

RUBIN, ACTING P. J.

WE CONCUR:

FLIER, J.

GRIMES, J.